

May 8, 2000

Mary L. Cottrell, Secretary

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, Massachusetts 02110

re: City of Haverhill Municipal Aggregation, D.T.E. 99-93

City of Easthampton Municipal Aggregation, D.T.E. 99-103

Dear Secretary Cottrell:

Pursuant to the Department's procedural schedule for these proceedings, the Attorney General hereby comments on the Aggregation Plans filed by the Cities of Haverhill and Easthampton. Given the current context and fact that the General Court assigned to the Division of Energy Resources ("DOER") the lead role in providing technical expertise regarding municipal aggregation plans -- "a municipality ... shall, in consultation with the division of energy resources ... develop a plan ...," G.L. c. 164, § 134(a) -- these comments are necessarily brief and procedural in nature.

DOER has indicated concerns regarding specific elements of the Plans and, in recently filed responses to DTE discovery, the Cities appear to have provided bases upon which to

resolve some of the concerns raised by the terms of Plans. In these circumstances, the Attorney General submits that the Department should convene a procedural conference in the near future to adopt an expeditious means to identify the various issues and to resolve as many as possible through informal mechanisms. In broad terms, the issues concerning the Plans fall within four categories -- (1) the appropriateness of specific charges to individual classes of customers, (2) the allocation of rights and responsibilities between customers and suppliers, (3) billing, accounting, and termination procedures under the plan, and (4) "opt-out" and enrollment protocols -- and it appears that many may be eliminated or otherwise resolved through further informal processes.

While the Attorney General acknowledges that some limited subset of the issues presented initially may ultimately require formal resolution by the Department (indeed, the Cities' responses to the Department discovery identify disputes with distribution utilities that likely will require Department resolution), he submits that the approach recommended herein will provide the most efficient means for Department review of the Cities plans.

Please feel free to call me at 727-2200, ext. 3446, if you require further information regarding the Attorney General's views on these filings or if I can answer any other questions that the Department may have.

Sincerely,

George B. Dean

Assistant Attorney General

Chief, Regulated Industries Division

cc: Judith Laster

Service List

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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City of Haverhill Municipal Aggregation) D.T.E. 99-93

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City of Easthampton Municipal Aggregation) D.T.E. 99-103

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by e-mail and either hand-delivery, mail, or fax.

Dated at Boston this 8th day of May, 2000.

George B. Dean

Assistant Attorney General

Chief, Regulated Industries Division

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